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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/353,896 07/16/99 ESTES

A 10246/004001

EXAMINER

TM02/1106

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ART UNIT

PAPER NUMBER

2164

DATE MAILED:

11/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Notice of Allowability

Application No.

09/353,896

Applicant(s)

Estes

Examiner

Geoffrey Akers

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/18/01
2. ☒ The allowed claim(s) is/are 1, 2, and 4-16, 31-49, 17-36
3. ☐ The drawings filed on _____ are acceptable as formal drawings.
4. ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☒ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: _____

5. ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE FOR SUBMITTING NEW FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION. This three-month period for complying with the REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL is extendable under 37 CFR 1.136(a).**

6. ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

7. ☒ Applicant MUST submit NEW FORMAL DRAWINGS

(a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☒ hereto or 2) ☐ to Paper No. _____

(b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the examiner.

(c) ☐ including changes required by the attached Examiner's Amendment/Comment or in the Office action of Paper No. _____

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

8. ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- 1 ☐ Notice of References Cited (PTO-892)
- 2 ☐ Notice of Informal Patent Application (PTO-152)
- 3 ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 4 ☐ Interview Summary (PTO-413), Paper No. _____
- 5 ☐ Information Disclosure Statement(s) (PTO-1449), Paper No(s). _____
- 6 ☐ Examiner's Amendment/Comment
- 7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 8 ☒ Examiner's Statement of Reasons for Allowance
- 9 ☐ Other

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SUPPLEMENTAL DETAILED ACTION

Response to Request for Continued Examination

1. The text of those sections of Title 35 US Code not included in here can be found in a prior Office action(see Serial No: 09/353,896). The text of those sections of Title 35 US Code not otherwise provided in a prior Office action will be included herein where appropriate.
2. This action is responsive to applicant's Request for Continued Examination(RCE)(Paper #12) filed 7/18/01.
3. Applicant's Response(Paper #13) filed 7/18/01 arising as a result of the Office Interview of 6/26/01(Paper #11) and compliance with examiner's request to enhance unique invention features in the claims has brought the application into a condition for allowance.

Allowable Subject Matter

4. Claims 1-2 ,4-16 and 17-49 are allowed. The following is a statement of reasons for allowance:

The instant invention is an apparatus for utilizing a machine-based method for analyzing an e-mail message to derive response information concerning a commercial transaction whereby an e-mail message comprises part of an electronic message sent to a customer and includes a response by the customer to the original e-mail message and based on derived information, which automatically generates commercial transaction data in a format that is usable to complete the transaction. This method has application to the offering of products or services for sale whereby

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the e-mail message furnishes an opportunity for the customer to indicate his intention to make an order.

(A)-Applicant's concept presents a method for a customer to order products or services through an entirely e-mail based system as opposed to the more traditional web-based methodology.

(B)-Applicant's concept further provides a method for managing an e-mail message dialog between the customer and a vendor through software driven interactive dialogs.

(C)-Additionally, applicant's concept permits the reception of inbound e-mail messages associated with a marketing program and the subsequent association of response information with a distinct piece of the marketing program.

The instant invention presents a method for a vendor to communicate with a customer on the purchase of products and services through the use of e-mail entirely instead of the traditional web-based technology with its attendant support complexities. The closest prior art, Gifford(US Pat. No: 6,049,785), teaches a web-based electronic order and purchasing system employing a computer network. It is clear from the description of Gifford's invention that the prior art does not address the features of "analyzing an e-mail message to derive response information concerning a commercial transactionand based on the derived information generating transaction data in a format that is usable to complete the transaction" as well as "sending an e-mail message to a customer offering a product or service for sale the e-mail message comprising locations for response by the customer indicating his intention to order the product or service" as well as "automatically managing an e-mail message message dialog with a source to resolve an

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issue with the source of the e-mail message” as well as “software guided interactive e-mail message dialogs to resolve on behalf of a vendor customer issues that occur in direct response e-mail messages that are identified as requiring a dialog” as well as “receiving inbound e-mail messages associated with a marketing program ,the inbound messages containing response information and each of the outbound e-mail messages being associated with a distinct piece of the marketing program and automatically associating the response information in each of the inbound messages with the corresponding distinct piece of the marketing program” as well as “sending outbound e-mail messages associated with a commercial transaction and storing information related to each of the outbound messages in a database, the information being useful for completing a commercial transaction, this information not being contained in the outbound message and analyzing inbound messages that result from the outbound message with respect to completing the commercial transaction and merging the response information with corresponding information in the database for use in completing the transaction”as described in the independent claims 1,5,6,8,9,10,11,15,37,44. All other claims are allowable as dependent from the independent allowable claims as addressed.

5. The prior art which does not disclose these features and which is art of record includes:

-Simon(US Pat. No: 6,061,792) discloses a system for fair exchange of information goods over a network

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-Allsop(US Pat. No: 5,970,472) discloses a method for performing electronic commerce over the Internet providing links from product manufacturers to authorized dealers

-Chou(US Pat. No: 6,055,504) discloses a method for accommodating electronic commerce in a communication network capacity market

-Speicher(US Pat. No: 5,996,006) discloses an internet-audiotext electronic advertising system with enhanced matching/notification

-Weicha(US Pat. No: 5,870,717) discloses a system for ordering items over a computer network using an electronic catalog

-Adler (US Pat. No: 6,009,409) discloses a system for scheduling delivery of advertising in a communications network

-(Non-Patent Literature)-"DeLano "Building E-Businesses with Unparalleled Speed" 8/24/00-
delanotech.com

-(Non-Patent Literature)-Damore,Kelley-"Upstarts and Start-Ups"Computer Reseller News
8/9/99 p.146

(Foreign Patent):EP 0 995 556 A2 Even-Zohar, Oshri, "A system for Dynamic Evaluation of Human Behavior" 4/26/00 (Consumer psychology)

Comments considered necessary by applicant must be submitted no later than the payment of the issue fee, and to avoid processing delays, should preferably accompany the issue fee. Such submission should clearly be labeled "Comments on Statements of Reasons for Allowance"

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Conclusion

6. Comments regarding this communication should be addressed to the examiner, Dr. Geoffrey Akers, P.E. who can be reached at (703)-306-5844 between the hours of 6:30 AM and 5:00 PM Monday through Friday. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

GRA

November 3, 2001



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100